

Attorney Docket No. LKMP:113US
U.S. Patent Application No. 10/763,559
Reply to Office Action of September 21, 2005
Date: March 3, 2006

Remarks/Arguments

Claim Amendments

Claims 2, 10, 23, and 24 were amended to incorporate the limitations of independent Claim 1. Claim 28 was amended to incorporate the limitations of independent Claim 27.

Notice of Non-Compliant Amendment Under 37 CFR 1.121

In the Advisory Action dated February 1, 2006, the Examiner noted that the Amendment and Request for Reconsideration filed December 20, 2005 was non-compliant under 37 CFR 1.121. In particular, the Examiner noted that the status of Claim 24 was improperly identified as “original,” instead of “currently amended.” Applicant has amended the status of Claim 24 to read “currently amended.” This Amendment and Request for Reconsideration is now compliant under 37 CFR 1.121 and Applicant courteously requests that the Amendment be entered.

The Rejection of Claims 1 and 25-27 Under 35 U.S.C. §102

The Examiner rejected Claims 1 and 25-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,716,460 (Young). Applicant has cancelled Claims 1 and 25-27, rendering the rejection moot.

The Objection of Claims 2-24 and 28-30 as Being Dependent Upon a Rejected Base Claim

Claims 2-24 and 28-30 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended Claims 2, 10, 23, and 24 to include all the limitations of Claim 1 and has cancelled Claim 1. Therefore, Claims 2, 10, 23, and 24 no longer depend upon a rejected base claim. Claims 3-9 and 11-22, dependent from Claims 2 and 10, respectively, also no longer depend upon a rejected base claim. Applicant has amended Claim 28 to include all the limitations of Claim 27 and cancelled Claim 27. Therefore, Claim 28 no longer depends upon a rejected base

Attorney Docket No. LKMP:113US
U.S. Patent Application No. 10/763,559
Reply to Office Action of September 21, 2005
Date: March 3, 2006

Claim 27 and cancelled Claim 27. Therefore, Claim 28 no longer depends upon a rejected base claim. Claims 29 and 30, dependent from Claim 28, also no longer depend upon a rejected base claim. Applicant courteously requests that the objection be removed. The Applicants do not intend to give rise to a presumption of surrender.

Conclusion

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



C. Paul Maliszewski, P.E.
Registration No. 51,990
CUSTOMER NO. 24041
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221-5406
Telephone No. 716-626-1564

CPM
Dated: March 3, 2006